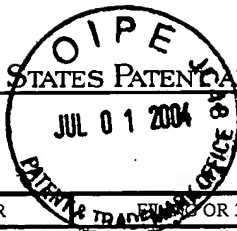




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APPLICATION NUMBER	FILED OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/662,908	09/15/2003	Martin Vaupel	CS-7907LeA 36,217

CONFIRMATION NO. 1270

FORMALITIES LETTER



OC000000011767604

34469
 BAYER CROPSCIENCE LP
 Patent Department
 100 BAYER ROAD
 PITTSBURGH, PA 15205-9741

Date Mailed: 01/26/2004

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
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A copy of this notice MUST be returned with the reply.

Cludy

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT APPLICATION
CS-7907
LeA 36,217

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)	
MARTIN VAUPEL ET AL)	EXAMINING GROUP NO. 1624
SERIAL NUMBER: 10/662,908)	
FILED: SEPTEMBER 15, 2003)	
TITLE: METHOD FOR IDENTIFYING)	
FUNGICIDALLY ACTIVE)	
COMPOUNDS)	

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Commissioner for Patents.
Alexandria, VA 22313-1450
Sir:

This Response is in response to a Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures (copy attached). The Notice was dated January 26, 2004. A two-month period for response was set by the Notice, bringing a response to be due on or before March 26, 2004.

A three-month petition for extension of time to respond to the Notice and authorization to charge the fee to Deposit Account 50-2510 accompanies this Response, bringing this Response to be due on or before June 26, 2004, which is extended by operation of 37 C.F.R. Section 1.7 to Monday, June 28, 2004.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 _____ 06/28/04
Date

Raymond J. Harmuth, Reg. No. 33,896
Name of applicant, assignee or Registered Representative

Raymond J. Harmuth
Signature
06/28/04
Date

REMARKS

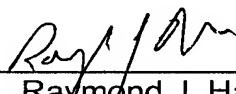
Applicants respectfully point out that this is not a case that falls under the provisions of 37 C.F.R. Section 1.821-1.825. Applicants have filed similar cases in the past and have received similar Notices, which Notices have been withdrawn when Applicants point out, as they do in this case, that none of claims are directed to a Sequence Listing. Further what at first blush may appear to be a Sequence Listing in Figs 2A and 2B simply are a comparison of the homology between farnesyl-pyrophosphate syntheses from a variety of fungi providing frames which represent regions whose sequences are exactly the same (consensus sequences). This **figure** provides a simple side by side comparison. It is not a Sequence Listing such as is subject to the provisions of 37 C.F.R. Section 1.821-825. Therefore, no Sequence Listing is needed in this case, either in computer readable or paper form.

Applicants believe this Response is fully responsive to the Notice. However, if the Office disagrees, it is respectfully invited to telephone the undersigned to discuss in greater detail what is needed before issuing another Notice in this case.

Having now complied with all of the requirements under 37 CFR 1.53(d), Applicant requests that the file be forwarded for examination.

Respectfully submitted,

By



Raymond J. Harmuth
Attorney for Applicant
Reg. No. 33,896

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